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DECISION

IN THE MATTER OF

THOMAS MCINERNEY
W39558

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 14, 2015

DATE OF DECISION: November 4, 2015

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Tina Hurley, Ina Howard-Hogan, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, parole record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 12, 1975, after a jury trial in Norfolk Superior Court, Thomas McInerney, age 32, was convicted of first degree murder for the strangulation death of 26-year-old Cynthia Hartford. McInerney was sentenced to life in prison without the possibility of parole. This life sentence was ordered to run consecutively to his previous commitment for the second degree murder of Dora Howarth.¹

On July 28, 1977, McInerney's conviction of the murder of Ms. Hartford was affirmed by the Supreme Judicial Court (SJC). However, the SJC found that the evidence was not sufficient to support a finding of deliberate premeditation necessary for a first degree murder

¹ McInerney was on parole from his 1962 second degree murder conviction when he committed the murder of Cynthia Hartford.

conviction. The SJC remanded the case back to Superior Court for the entry of a verdict of murder in the second degree.²

On August 14, 1974, Thomas McInerney and Cynthia Hartford met at a bar in Boston. After several hours of drinking at the bar, they left to go to Ms. Hartford's apartment in Quincy. After arriving at the apartment, they attempted to have sexual intercourse, but were unable to do so because of McInerney's long-standing problem with impotency. Ms. Hartford allegedly mocked McInerney for his inability to perform sex, resulting in McInerney strangling her with a piece of twine. He then put her body on the couch and left. In leaving the apartment, McInerney wiped the doorknob to eliminate fingerprints, and he also took Ms. Hartford's pocketbook. He disposed of Ms. Hartford's driver's license and keys by throwing them in the shrubbery at the rear of his apartment complex. Several days after the murder, McInerney turned himself into the police and was placed under arrest.

II. CRIMINAL AND PAROLE HISTORY

The Department of Correction records show that McInerney has a long history of violence against women, starting as a juvenile. In 1956, at the age of 12, he stabbed a woman in the back. In 1957, he stabbed his friend's mother. As a result of the stabbings, he was committed to the Department of Youth Services and was held at the Metropolitan State Hospital for approximately 10 months. After a psychiatric evaluation in 1978, it was determined that McInerney was still a risk for potential acts of violence against women.

McInerney's adult criminal record consists of his two murder convictions. His first life sentence was for the beating death of Dora Howarth and was imposed in 1962. In 1973, the sentence was commuted to 22 years to life and McInerney was released on parole. He was on parole for less than one year when he murdered Cynthia Hartford. In 1983, he was paroled from his first life sentence to serve his second, consecutive life sentence. He is currently serving his second degree life sentence for the murder of Ms. Hartford.

McInerney was first eligible for parole in 1995, but he voluntarily postponed his hearing. He appeared before the Board in February 1996, but the Board denied parole with a review in three years. McInerney then voluntarily postponed his hearings scheduled for 1999 and 2001. He next appeared before the Board for a review hearing in September 2002, after which the Board denied parole with a review in five years. In September 2007, McInerney again appeared before the Board for a review hearing. He was denied parole with a review in five years. In their decision, the Board cited that "little has changed," and that McInerney "lacks insight into the causative factors of his crime." In September 2012, McInerney voluntarily postponed his hearing. In 2015, he requested a hearing and appeared before the Board on July 14, 2015.

III. PAROLE HEARING ON JULY 14, 2015

Thomas McInerney, now 72-years-old, appeared for his fourth parole hearing and was represented by Attorney John Rull. McInerney provided an opening statement in which he expressed his remorse for the trauma, pain, and heartache he caused the victim's family. He described his behavior as selfish and thoughtless, leaving a hole in their hearts that can never be filled. Attorney Rull also provided an opening statement and he highlighted McInerney's

² *Commonwealth v. McInerney*, 373 Mass. 136 (1977).

transformation. He stated, "Mr. McInerney's prison record demonstrates that he has self-control, is able to follow rules, and can avoid or negotiate conflict without violence...He has committed himself to rehabilitation, showing positive and pro-social behavior in a system with significant amounts of criminal thinking and negativity."

McInerney was born and raised in the Hungry Hill section of Springfield, Massachusetts. He informed the Board that he spent the greater part of his life trying to be someone he wasn't. He was raised in a strict Irish-Catholic household by his parents, a stay-at-home mother and a firefighter father. He is one of five children, with two older brothers and two younger sisters. He spoke of the adversity he faced growing up, as he was not athletically inclined, and referred to himself as a day dreamer and reader. He recalled his father referring to him as a "sissy," which intensified his self-hatred. He said that he was petrified of his father and perceived himself as a disappointment in his father's eyes. He described being bullied and spoke of his feelings of inadequacy and inferiority that plagued him throughout his life. Upon graduation from high school in 1961, he enlisted in the Marine Corp, but returned home after only six months of training. Shortly after returning home, he was arrested for the murder of Dora Howarth.

McInerney has been incarcerated for 53 years and has participated in several programs that addressed his criminal behavior. Such programming has included anger/violence issues, educational/vocational training, and substance abuse issues. McInerney provided the Board with an overview of the treatment and programming that he engaged in since his last hearing. Since 2007, he participated in Alternatives to Violence and Taking a Chance on Change, and he continues to regularly attend Alcoholics Anonymous (AA), 12 Steps, and Big Book. According to Department of Correction records, he is not currently pending participation in any programming. He is employed as a clerk in the Recreation Department, a position he has held since 2010.

McInerney said that he understands the Parole Board's reasoning behind his 2007 denial. He reiterated that the Board deemed that he lacked the insight and understanding of his pattern of criminal behavior. He informed the Board that his participation in the Taking a Chance on Change program provided him with the opportunity for self-exploration. The program required him to assess a myriad of issues that plagued him and provided him with greater insight into his causative factors and criminal behavior. He also spoke of his commitment to Christianity and to AA. He does not perceive drugs or alcohol to be an issue and, according to Departmental records, there is no indication of substance use in the past 30 years.

McInerney provided a detailed and comprehensive version of events surrounding the murder of Ms. Hartford that is consistent with all known facts. McInerney described the precipitants to the murder of Ms. Hartford, including the argument over his impotency that resulted in her death. The Parole Board was most interested in learning whether McInerney understands the factors that caused him to commit such a heinous crime, as well as the factors that contributed to the murder of Dora Howarth, 12 years prior. He informed the Board that his internal anger and alcohol abuse were underlying factors in both murders. During the first murder (at age 19), he was drunk and consumed with anger due to unresolved feelings of worthlessness. When he murdered Ms. Hartford, he was also under the influence of alcohol, and he was angry, humiliated, embarrassed, and ashamed. In addition, he was fearful of being returned to custody since, at the time, he was already on parole for the murder of Ms. Howarth.

McInerney seeks parole to a long term residential program after a gradual reduction in security. Upon completion of a program, he would reside with his sister in Ludlow. He said that he would have a substance abuse assessment and would attain mental health counseling, and he would continue to participate in AA, Big Book, and religious services. He said that he would seek employment in the areas of office administration, writing, computers, or speech communication. Several family members and friends attended the hearing in support of his petition for parole. His sister and two friends spoke in support of parole, noting they will provide him with the necessary supports to successfully re-enter the community. There were also numerous written submissions of support submitted to the Board.


Ms. Hartford's brother and his wife attended the hearing and spoke in opposition to parole. They also read a letter in strong opposition to parole from Ms. Hartford's sister-in-law. In addition, there were numerous letters submitted to the Board in opposition to parole. Norfolk County Assistant District Attorney Marguerite Grant submitted a letter and spoke in opposition to parole. ADA Grant noted that "[McInerney's] record of sexual violence against women shows he is a danger to the public. As a juvenile, he stabbed two women. At 19, he murdered Ms. Howarth... 12 years later he similarly murdered Ms. Hartford. In addition, his lack of mental health, sex offender, or batterers' programming means he poses an unacceptable risk of recidivism."

IV. DECISION

McInerney has been incarcerated for 41 years for the murder of Ms. Hartford, a crime he committed while on parole supervision for another murder. Although the Board acknowledges the abuse McInerney has suffered in his lifetime, they are of the opinion that he has not been rehabilitated to the point where he can be safely managed in the community. The Board concedes that while McInerney has maintained a positive adjustment within the prison setting; having been paroled from one sentence, only to commit another murder, raises considerable concerns for public safety. McInerney displayed a pattern of impulsive, violent behavior that he exhibited towards women from a very young age. McInerney is encouraged to continue to invest in rehabilitation through programming that addresses his anger and violence against women, as well as his anger that surrounds his history of sexual dysfunction.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Thomas McInerney does not merit parole at this time. The review will be in five years from the date of this hearing.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Michael J. Callahan, Executive Director

November 4, 2015
Date